

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER WAYNE WEBB,)	
)	
Petitioner,)	
vs.)	NO. CIV-18-1186-HE
)	
STATE OF OKLAHOMA,)	
)	
Respondent.)	

ORDER

Petitioner Christopher Wayne Webb, a state prisoner appearing *pro se*, filed this action seeking habeas relief pursuant to 28 U.S.C. § 2254. Petitioner also seeks leave to proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings.

Judge Mitchell has issued a Report and Recommendation (the “Report”) recommending that petitioner’s application to proceed IFP be denied because he has enough funds to prepay the \$5 filing fee and has otherwise not shown that he is entitled to proceed IFP. Petitioner was granted until December 28, 2018, to file an objection to the Report. Since the Report issued, petitioner has filed a letter and motion to file supplemental information but has not filed an objection to the Report or otherwise disputed his ability to pay the \$5 filing fee. Petitioner therefore waives his right to appellate review of the factual and legal issues addressed in the Report. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the Report and Recommendation [Doc. # 6] is **ADOPTED**. Petitioner’s motion to proceed IFP [Doc. # 3] is **DENIED**. Petitioner is ordered to pay the

\$5 filing fee in full to the Clerk of Court within **twenty-one (21) days** of the date of this order or this action will be subject to dismissal without prejudice.

IT IS SO ORDERED.

Dated this 9th day of January, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE